

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEMETRICK McCAIN,

Plaintiff,

No. CIV S-05-0803 WBS KJM PS

vs.

KAISER EMERGENCY HOSPITAL,

Defendant.

ORDER

_____/

Plaintiff, proceeding pro se, filed the above-entitled action. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 72-302(c)(21).

On August 23, 2005, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice to the parties that any objections to the findings and recommendations were to be filed within ten days. Plaintiff has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed August 23, 2005, are adopted in full;

and

2. This action is dismissed without prejudice. See Local Rule 11-110; Fed. R.

Civ. P. 41(b).

DATED: September 19, 2005



WILLIAM B. SHUBB

UNITED STATES DISTRICT JUDGE

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